



CITY OF
ISSAQUAH
DEVELOPMENT SERVICES

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT**

Notice of Decision

Lake Sammamish State Park Beach Restoration Project

Shoreline Substantial Development Permit – SHO15-00001

Shoreline Conditional Use Permit – SHO15-00002

June 10, 2015

APPLICATION: SHO15-00001 – Shoreline Substantial Development Permit
SHO15-00002 – Shoreline Conditional Use Permit

PROJECT NAME: Lake Sammamish State Park Beach Restoration Project

APPLICANT: Washington State Parks and Recreation Commission
P.O. Box 42650
Olympia, WA. 98504
ATTN: Nikki Fields

CONTACT: Robert Droll, Landscape Architect
4405 7th Ave SE, Suite 203
Lacey, WA. 98503
ATTN: Eric Williams, Robert Droll

STAFF CONTACT: Peter Rosen, Senior Environmental Planner
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Email: peterr@issaquahwa.gov

REQUEST: Proposal by the Washington State Department of Parks and Recreation Commission to improve Sunset Beach for swimmer safety and user access.

The project proposal includes removal of milfoil; excavation of existing silty, organic in-water beach soils and replacement with quarry spalls and granolithic material to decrease water turbidity and water depth in the designated swim area; construction of an 80-foot-long by 5-foot wide concrete ramp and handrail to improve ADA beach access; installation of logs to function as a floating breakwater around the perimeter of the swim area.

LOCATION: 2000 NW Sammamish Road. Sections 20 and 17, Township 24 N, Range 6E

KC TAX PARCEL NUMBER: 2024069002

SITE AREA: Approximately 22,000 SF

WATER BODY: Lake Sammamish

SHORELINE OF STATEWIDE SIGNIFICANCE: Yes

SHORELINE ENVIRONMENT (King County SMP): Aquatic Shoreline, Conservancy Shoreline

PUBLIC NOTIFICATION: February 23, 2015: Notice of Application and Shoreline Public Meeting mailed to property owners within 300 feet.

February 25, 2015: Notice of Application and Shoreline Public Meeting published in Issaquah Press.

March 3, 2015: Shoreline Public Meeting, River & Streams Board

BACKGROUND:

Lake Sammamish State Park was recently annexed from King County into the City of Issaquah, effective February 1, 2015. Prior to the City's annexation, State Parks received permit approval from King County for upland beach improvements, including; a concrete promenade, new bathhouse, seating, sand box area, new lawn space, wetland mitigation, etc. This subject permit is solely for work within Lake Sammamish, waterward of the ordinary high water mark (OHWM).

Sammamish State Park is included in the Issaquah Shoreline Master Program (SMP) as a Potential Annexation Area (PAA). However, there are no policies, standards, or regulations that address the State Park. According to State law, until the Issaquah SMP is amended to include the State Park, decisions on shoreline applications are to be based on the King County SMP, in effect prior to the annexation (WAC 173-26-160). Therefore, the proposed project is evaluated according to criteria, standards and requirement of the King County SMP.

State Parks was the SEPA lead agency for environmental review of the proposal. Environmental issues related to the proposal were evaluated under the SEPA review. Technical studies including a Biological Evaluation, Critical Area Report, Flood Impact Analysis, Cultural Resource Assessment, Stormwater Technical Information Report (TIR) were considered in the assessment of environmental impacts and in this notice of decision.

PROJECT DESCRIPTION:

The Washington State Parks and Recreation Commission proposes park improvements to increase swimmer safety, enhance recreational and educational opportunities, and improve user access at Sunset Beach in Lake Sammamish State Park. These improvements are part of a Master Plan developed in 2007 to guide future re-development and restoration at Lake Sammamish State Park. Based on community input and project goals, the Master Plan sought to strike a balance between improving safety for park users, ecological preservation and local

restoration needs. The current phase that is being proposed, the Lake Sammamish State Park Beach Restoration Project, achieves that balance as described herein. The project will improve swimmer safety by increasing in-water visibility in the existing swimming area, which will improve the ability to detect and rescue distressed swimmers. This will be achieved by hand removal of milfoil. Existing silty, organic, and unstable in-water sand is proposed to be replaced with a granolithic material (sand and aggregates) that will decrease water turbidity, increasing underwater visibility. By importing additional granolithic and rounded material, swimmer safety will increase by decreasing the depth of the designated swim area from 7' to 6' or less. In addition, the designated beach area will be significantly reduced, resulting in a much smaller area for lifeguards to patrol.

Recreational opportunities would be expanded by improving beach access with the installation of a concrete ramp and handrail into the water that is compliant with Americans with Disabilities Act (ADA) standards.

In addition, other improvements to Sunset Beach have been previously approved by King County, including; a concrete promenade (used for improvement fire/emergency vehicle access) with concrete seat-walls, park benches, and sand box play area are proposed. The project will replace the upland beach substrate and a subsurface drainage system will be installed to improve drainage. This work is part of ongoing maintenance and repair activities that have taken place at the beach area since 1957. An open expanse of lawn space will provide additional passive recreational opportunities.

The upland improvements impacted wetlands, including a lake-fringe wetland area. The project provides mitigation including nearly 118,000 additional square feet of wetland /wetland buffer creation and enhancement, and opportunities for educating park users on the value and functions of wetlands.

After review by the Washington State Department of Fish & Wildlife, State Parks agreed to mitigate the fill in the lake with placement of 2-inch minus fish spawning gravels in the swim area between depths of 4 to 6 feet.

FINDINGS:

1. The City of Issaquah annexed Lake Sammamish State Park from King County effective February 1, 2015. The City's Shoreline Master Program (SMP) has not been amended to add the State Park. Under State law (WAC 173-26-160), the City of Issaquah is responsible for review and approval of permits using the King County SMP, until the City's SMP is amended to include the State Park.
2. Other improvements to Sunset Beach, upland of the ordinary high water mark (OHWM), were approved by King County prior to annexation. These improvements included a concrete promenade, new bathhouse, seating, sand box area, new lawn space, wetland mitigation, etc. The subject permit is solely for work within Lake Sammamish, waterward of the ordinary high water mark (OHWM).
3. The Washington State Parks and Recreation Commission was lead agency for SEPA review. A Determination of Non-Significance was issued on January 9, 2015. See Exhibit 9.
4. The project application was received by the City on February 10, 2015. The application includes technical reports and information used in the project review and listed as Exhibits at the end of this report.
5. The purpose of the Shoreline Substantial Development Permit (SSDP) and Shoreline Conditional Use Permit (SCUP) is review the proposed project for consistency with the

Shoreline Management Act of 1971 (RCW 90.58) and the King County Shoreline Master Program (KCSMP), including relevant regulations.

6. The criteria for evaluating and authorizing the SSDP and SCUP are set forth in the King County Shoreline Master Program (SMP) – King County Code (KCC) 21A.25; Shoreline Management Act RCW 90.58.020; WAC 173-27-140 includes the Conditional Use Permit criteria, and WAC 173-27-150 includes criteria for substantial development permits.
7. The King County SMP designates Lake Sammamish State Park as a Conservancy Shoreline designation and Lake Sammamish, below the ordinary high water mark (OHWM), is designated Aquatic. The proposed action is primarily waterward of the OHWM of the lake, in the Aquatic designation. Construction staging would occur landward of the OHWM in the Conservancy Shoreline designation.
8. Placement of fill waterward of the OHWM is a Shoreline Modification and in the Aquatic environment designation requires a Shoreline Conditional Use Permit (KCC 21A.25.160). The proposal also includes installation of a concrete ramp and handrail into the lake compliant with standards of the Americans with Disabilities Act (ADA). This use/activity is not listed in the shoreline use table. Proposed uses that are not specifically addressed in the shoreline use tables require a Conditional Use Permit (CUP).
9. A Shoreline Substantial Development Permit is required because the proposal doesn't meet the specific exemptions from a Substantial Development Permit in WAC 173-27-040.

REVIEW:

King County 21A.25 Shorelines

21A.25.060 Names of shoreline environments designations

C. The purpose of each shoreline environment designation is defined as follows:

4. *The purpose of the Conservancy shoreline is to conserve areas that are a high priority for restoration, include valuable historic properties or provide recreational opportunities;*
8. *The Aquatic environment is to protect, restore and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.*

COMMENT: The proposal meets the purpose of the Conservancy Shoreline and Aquatic environment designations. The proposal would improve recreational opportunities by increasing safety for swimmers and the ADA compliant concrete ramp/handrail would expand recreational access. The proposal meets goals of the Aquatic environment by recognizing and enhancing the unique characteristics of a swimming beach in a popular State Park, and impacts would be mitigated.

21A.25.080. Sequence of mitigation measures – priority. A. *Mitigation measures shall be applied in the following sequence of steps listed in order or priority, with subsection A.1. of this section being top priority:*

1. *Avoiding the impact altogether by not taking a certain action or parts of an action;*
2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;*

3. *Rectifying the impact by repairing, rehabilitating or restoring the affected environment;*
4. *Reducing or eliminating the impact over time by preservation and maintenance operations;*
5. *Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and*
6. *Monitoring the impact and the compensation projects and taking appropriate corrective measures.*

COMMENT: The mitigation sequence has been followed for the project. The placement of fill in the lake is confined to only a small swim area of the beach, minimizing the extent and magnitude of the project impact. The project would restore and enhance affected shoreline natural areas to compensate for impacts. The proposal would reduce the continual maintenance of the lakebed required to ensure safe swimming conditions.

21A.25.090.C. Shoreline use and modification – defined – no net loss of shoreline ecological functions allowed – sequencing compliance. *King County shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline ecological functions and comply with the sequencing requirements under 21.25.080.*

COMMENT: This project has been designed to minimize and mitigate for adverse impacts. It would not cause a net loss of shoreline ecological functions.

21A.25.160 Shoreline modification

4.a. Filling must meet the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

(1) Place fill waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities; and

COMMENT: This shoreline conditional use permit is to address the placement of fill waterward of the ordinary high water mark.

21A.25.190 Excavation, dredging, dredge material disposal and filling. *Excavation, dredging, dredge material disposal and filling may be permitted only as follows:*

A. Fill or excavation landward of the ordinary high water mark shall be subject to K.C.C. chapters 16.82 and 21A.24;

B. Fill may be permitted below the ordinary high water mark only:

- 1. When necessary to support a water dependent use;*
- 2. To provide for public access;*
- 3. When necessary to mitigate conditions that endanger public safety, including flood risk reduction projects;*
- 4. To allow for cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;*

5. To allow for the disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington state Department of Natural Resources;

6. For expansion or alteration of transportation or utility facilities currently located on the shoreline and then only upon demonstration that alternatives to fill are not feasible; or

7. As part of mitigation actions, environmental restoration projects and habitat enhancement projects;

C. Fill or excavations shall be permitted only when technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired and that the fill or excavation will not obstruct the flow of the ordinary high water, flood waters or cutoff or isolate hydraulic features from each other;

COMMENT: The proposal complies with the above provisions. The fill is necessary to support a safe swim area, a water dependent use. The fill material placed below the OHWM is to reduce lake turbidity to improve safety for swimmers. The ADA compliant ramp and handrail would improve public access for disabled persons, seniors, and youth.

Technical studies for the project including the Biological Evaluation and Critical Areas Report demonstrate the proposal would not impair aquatic life and water quality. State Parks modified the gradation of the fill material, based on comments from Washington Fish and Wildlife, so the gravel material placed would support salmon spawning to improve aquatic life. The Flood Impact Analysis and Stormwater Technical Information Report demonstrate the proposal would not obstruct the flow of the ordinary high or flood waters.

WAC 173-27-160 - Review criteria for conditional use permits. The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the act and the local master program.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

RCW 90.58.020 prioritizes preference for uses and states:

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

COMMENT: The proposed use is consistent with RCW 90.58.020 in that it recognizes the statewide interest of citizens and park visitors to have a safe and accessible swim area, increase recreation opportunities, and increase accessibility particularly for ADA users in a popular State Park. The proposal also preserves the natural character of the shoreline and protects the resources and ecology of the shoreline.

Project elements comply with RCW 90.58.020 follow:

- The proposal would reduce the existing beach area by about half the existing area; concentrating intensive swimming activity into a smaller area while restoring the remaining beach area and beach/lake interface with native plantings to improve the natural character and protect the ecology of the shoreline.
- Recreational opportunities would be enhanced. Sand placement would make the beach surface more comfortable and support recreational uses and public enjoyment of the beach area. The in-water sand placement would reduce turbidity and increase visibility, thereby improving swimmer safety.
- The ADA compliant concrete ramp and handrail would provide safe in-water access for a wider segment of the public; including disabled, seniors and youth users.
- The reduction to the existing beach area and mitigation planting enhancement along shoreline wetlands would provide long-term benefits to the shoreline ecology.

(b) That the proposed use will not interfere with the normal public use of public shorelines;

COMMENT: The project would not interfere with normal public use of the shoreline when completed. The ADA compliant ramp and handrail would expand access and swim use for disabled, seniors and youth users. Construction of the improvements would have temporary impacts on the normal public use of Sunset Beach. The construction period is expected to be from August 15, 2015 to November 30, 2015. There are multiple, other water access opportunities in the State Park that would not be impacted by the project construction.

(c) That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;

COMMENT: The proposed use and improvements are consistent with the State Park's Master Plan (2007) guiding future re-development and restoration in the State Park. The proposal would not change existing or projected uses in the park; but would improve recreation opportunities, public access and safety, and provide habitat enhancement.

(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

COMMENT: The proposed use and improvements would not cause significant adverse effects to the shoreline environment. Environmental impacts of the proposal were previously evaluated under SEPA review. The proposed project would have a net benefit to the shoreline environment. The existing beach area would be decreased concentrating human use and impacts to a smaller area and the natural shoreline habitat area increased and enhanced. The lakebed substrate would be improved with placement of an aggregate mix (2-inch minus gravels) conducive to salmon spawning.

(e) That the public interest suffers no substantial detrimental effect.

COMMENT: The project serves the public interest and would result in beneficial effects by improving safety and accessibility of the swim area, increasing recreation opportunities, and enhancing shoreline habitat conditions.

(2) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

COMMENT: Sunset Beach has been identified as the main swim area inside the State Park, where lifeguards and facilities are provided. The proposed improvements are intended to increase safety and accessibility for swimmers and would not be expanded into other areas within the State Park. It's highly unlikely that private shoreline areas or other parks have the same user demand or similar circumstances to warrant similar actions if requested on Lake Sammamish.

The proposal would reduce the existing beach area, increase the natural shoreline area and enhance shoreline habitat. It would not produce substantial adverse effects or cumulative impacts to shoreline ecological functions.

(3) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.

COMMENT: The ADA compliant concrete ramp and handrail into the lake is not a common use or improvement and is not addressed or classified as a use in the Shoreline Master Program (SMP). Therefore, this use is included in this conditional use permit and is evaluated for consistency with the conditional use criteria and requirements.

(4) Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (1) or (2) of this section.

COMMENT: The proposed uses are not specifically prohibited in the Shoreline Master Program; fill waterward of the ordinary high water mark is allowed as a conditional use and the ADA compliant ramp and handrail is an unclassified use also allowed if reviewed as a conditional use.

WAC 173-27-150 - Review criteria for substantial development permits.

(1) A substantial development permit shall be granted only when the development proposed is consistent with:

(a) The policies and procedures of the act;

(b) The provisions of this regulation; and

(c) The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of chapter 173-26 WAC, and to the extent feasible, any draft or

approved master program which can be reasonably ascertained as representing the policy of the local government.

(2) Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

COMMENT: The proposal is consistent with the State Shoreline Management Act, King County Shoreline Code 21A.25, and the King County Shoreline Master Program.

CONCLUSIONS:

1. Fill waterward of the ordinary high water mark may be permitted in the Aquatic shoreline environment with a Shoreline Conditional Use Permit (SCUP). The ADA compliant ramp and handrail is an unclassified use, which may also be permitted with a SCUP. The proposal meets the criteria for approval of a SCUP found in the Washington Administrative Code, WAC 173-27-160.
2. The proposal meets the criteria for approval of a Shoreline Substantial Development Permit, found in the Washington Administrative Code, WAC 173-27-150.
3. The applicant has provided sufficient information to support the proposed project design as not causing adverse impacts to shoreline ecological functions and processes and there would be no net loss of shoreline ecological functions. SEPA review of the proposal evaluated potential environmental impacts and concluded the proposal would not result in a probable significant adverse impact on the environment.
4. Impacts to wetlands and wetland mitigation were previously evaluated and approved by King County under separate permits for the upland (upland of the OHWM) beach improvements.
5. The application and supporting documentation provide a sufficient level of information to establish conditions to ensure that the proposed project will be compatible with the surrounding uses and the environment and meet the goals and regulations of the Shoreline Management Act and King County Shoreline Master Program.
6. Approval of the Lake Sammamish State Park Beach Restoration Project, as designed and conditioned, is in the public interest because it supports water-dependent swim use of the shoreline, increases accessibility, and it would enhance the natural shoreline environment.

ACTION:

APPROVE the Shoreline Substantial Development Permit – SHO15-00001 and **RECOMMEND APPROVAL** of the Shoreline Conditional Use Permit – SHO15-00002, subject to the following conditions:

1. The applicant is responsible for permits and compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project. This permit is limited to meeting the requirements of the Shoreline Management Act of 1971 and the King County Shoreline Master Program (SMP).
2. Any conditions of a Hydraulic Project Approval from Washington State Department of Fish and Wildlife, or approval from the US Army Corps of Engineers, shall be considered conditions of this permit. The applicant shall provide copies of permit approvals from Washington State Department of Fish and Wildlife and the US Army Corps of Engineers, prior to issuance of construction permits.
3. A City of Issaquah Site Works Permit is required prior to commencing clearing, grading, and

construction activity.

4. Erosion and sedimentation controls and Best Management Practices as found in the 2011 City of Issaquah Addendum to the 2009 King County Surface Water Design Manual shall be implemented and maintained during construction of this project.
5. The project is located in the Zone AE floodplain of Lake Sammamish. A City of Issaquah Flood Hazard Permit is required, if not already issued by King County. Flood hazard permits require project-level review for Endangered Species Act (ESA) compliance per FEMA rules.

Permit Timing

This permit requires a 14-day appeal period by the City from the date of issuance, the local appeal period ends 5:00 PM June 24, 2015. After the local appeal period, the City will transmit the Shoreline Conditional Use Permit to the Washington Department of Ecology (DOE). DOE may approve, approve with conditions, or deny the Shoreline Conditional Use Permit within thirty (30) days of the date of submittal by the City of Issaquah. After DOE transmits its final decision or order back to the City of Issaquah ("date of filing") there is a twenty-one (21) day appeal period.

The decisions on the Shoreline Substantial Development Permit and Shoreline Conditional Use Permit may then be appealed to the State Shoreline Hearings Board during this 21-day appeal period.

Construction pursuant to this permit may not begin or be authorized until twenty-one (21) days from the date of approval of the SCUP by the Department of Ecology or the Attorney General.

Peter Rosen, Senior Environmental Planner
Issaquah Development Services Department

Date of Signature

cc: Shorelands & Environmental Assistance Program, Department of Ecology
3190 160th Ave SE, Bellevue WA 98008-5452, Attn: David Pater

EXHIBIT LIST:

1. Shoreline Conditional Use Application, SHO15-00002, Shoreline Substantial Development Application, SHO15-00001, received February 10, 2105
2. Project Description, attached to permit application
3. Plan Sheets L1.0 – L9.11, including: TESC Plans, Beach Restoration Site Plan, Excavation and Backfill Plan, Grading Plan, Site Details, Landscape Plans, Wetland and Shoreline Impacts, Mitigation Plans, Planting Plans, received February 10, 2105
4. Wetland and Stream Delineation Study, The Watershed Company, dated February 2008
5. Critical Areas Report, The Watershed Company, dated March 10, 2014
6. Draft Biological Evaluation, The Watershed Company, dated March 2014
7. Cultural Resource Assessment, Ross Smith, Brandy Rinck, dated October 8, 2008
8. Technical Information Report, SCJ Alliance, dated February 2015

9. SEPA Determination (DNS), Washington State Parks and Recreation Commission, dated January 9, 2015
10. Response to questions and comments received from Muckleshoot Indian Tribe Fisheries Division, Eric Williams landscape architect with Robert Droll, dated January 16, 2014
11. Notice of Application and newspaper legal notice of Public Meeting, February 25, 2015
12. Shoreline Public Meeting/River & Streams Board minutes, March 3, 2015
13. Hydraulic Project Approval (HPA), Washington Department of Fish & Wildlife, issued May 18, 2015